



WEB COPY



W.P.No.38230 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.38230 of 2016

and

W.M.P.No.32780 and 32782 of 2016

M/s.Essar Machine Works Ltd.,
Plot No.155, Development Plots,
Industrial Estate, Perungudi,
Chennai-96.

... Petitioner

Vs.

1. The Recovery Officer,
Employees Provident Fund Organization,
Regional Office,
37, Royapettah High Road,
Chennai-14.

2. The Assistant P.F. Commissioner,
Ministry of Labour and Employment,
Government of India,
Employees Provident Fund Organization,
Regional Office,
37, Royapettah High Road,
Chennai-14.

3. M/s.Essar Business Venture Private Limited,
54, 3rd Main Road, Gandhi Nagar,
Chennai-20.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari call for the records connected with the notice dated 10.07.2015 made in Order No.TN/CHN/Recy/CP1/TN/35844/2015 on the file of the first respondent and quash the same.

For Petitioner : Mr.John Zachariah
For M/s.Fox Mandal and
Associates
For Respondents : Mr.V.Sundareswaran, SPL R1
& 2
R3- No appearance

ORDER

The petition has been filed seeking to quash the notice dated 10.07.2015 in Order No.TN/CHN/Recy/CP1/TN/35844/2015 on the file of the first respondent.

2. It is the case of the petitioner that the petitioner company have not paid the provident fund amount for their employees to the first respondent. Therefore, the first respondent sent a demand notice to the petitioner dated 10.07.2015. Challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner's



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company had been closed as early as 07.11.2001 and however, the petitioner company is ready and willing to pay the amounts in installments.

4. The learned Senior Panel Counsel appearing on behalf of the respondents submitted that this Court may grant liberty to the second respondent to issue fresh demand notice to the petitioner. If the petitioner fails to cooperate, this Court may grant further liberty to proceed the matter in accordance with law.

5. Heard the learned counsel for the petitioner and the learned Senior Panel Counsel for the respondents and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, this Court grants liberty to the second respondent to issue fresh demand notice to the petitioner company and proceed the matter in accordance with law and the petitioner or its authorized person is directed to appear before the second respondent and submit a detailed reply.



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7. With the above directions, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are also closed.

12.07.2023

Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

rli

To

1. The Recovery Officer,
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Regional Office,
37, Royapettah High Road,
Chennai-14.

2. The Assistant P.F. Commissioner,
Ministry of Labour and Employment,
Government of India,
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M.DHANDAPANI, J.

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